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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 GUSTAVO MCKENZIE,) CASE NO. CV 08-8656-CJC (PJW)
11)
12) Petitioner,)
13)
14) v.) ORDER ACCEPTING REPORT AND
15) RECOMMENDATION OF UNITED STATES
16) MAGISTRATE JUDGE AND DENYING
17) CERTIFICATE OF APPEALABILITY
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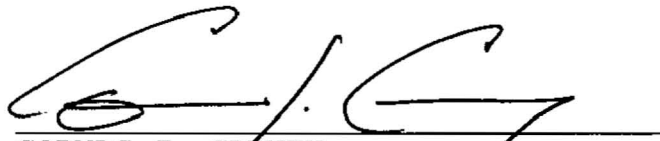
16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition,
17 the records on file, and the Report and Recommendation of United
18 States Magistrate Judge and has considered *de novo* the portions of the
19 Report as to which objections have been filed. The Court accepts the
20 Magistrate Judge's Report and adopts it as its own findings and
21 conclusions.

22 Further, for the reasons stated in the Report and Recommendation,
23 the Court finds that Petitioner has not made a substantial showing of
24 the denial of a constitutional right and, therefore, a certificate of
25 appealability should not issue in this action. See 28 U.S.C.
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1 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
2 322, 336 (2003).

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4 DATED:

June 9, 2010.

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8 CORMAC J. CARNEY
9 UNITED STATES DISTRICT JUDGE
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